

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Claims 3-6 are pending in this application. Claims 3-6 were rejected under 35 U.S.C. §103(a) as unpatentable over U.S. patent 5,740,168 to Nakamura et al. (herein "Nakamura") in view of U.S. patent 6,084,844 to Adachi.

Addressing the above-noted rejection, that rejection is traversed by the present response.

Applicants initially note the claims are amended by the present response to clarify features recited therein. Specifically, independent claim 3 now further recites an operation of "releasing the first code". Similarly independent claim 5 further recites "one of the plurality of mobile stations releases the first code after switching the first code to the second code". Independent claim 4 now further recites "transmitting a code switching complete message to notice a completion of the switching to a base station controller". Independent claim 7 recites a similar feature.

The above-noted features are fully supported by the original specification, for example paragraphs [0127] and [0134] in the present specification disclose releasing of the code, and disclosing transmitting of a code switching complete message. Applicants respectfully submit the features recited in the claims as currently written distinguish over the applied art.

The claims as currently written are directed to a radio communication method of a base station and the base station used for radio communication system employing CDMA (Code Division Multiple Access) for radio access with a plurality of mobile stations and providing multi-rate transmission. Timing information is transmitted by message to one of the plurality of mobile stations. A transmission code is switched at the base station from a first code to a second code in synchronization with a switching of the first code to the second

code at the one of the plurality of mobile stations, the one of the plurality of mobile stations switching the first code to the second code based on the transmitted timing information.

Further, the timing information either includes an integer representing a frame at which the first code is switched to the second code, or regards timing of switching the first code to the second code. The timing information is used for switching the first code to the second code at the one of the plurality of mobile stations.

Further, one of the plurality of mobile stations can then release the first code after switching the first code to the second code. A code switching complete message can also be transmitted to notice a completion of the switching to a base station controller.

Nakamura is directed to a method for code switching, including transmission of a timing signal from a base station to a mobile station.<sup>1</sup> Further, in Nakamura the timing information is not a timing message, but is merely a layer 1 bit data or frame number.<sup>2</sup>

First, applicants note that in contrast to Nakamura the claims recite transmitting information “by message”. Applicants respectfully submit Nakamura does not disclose that feature.

Further, applicants respectfully submit Nakamura does not disclose or suggest any operation of “releasing the first code”, as now specifically recited in amended independent claims 3 and 5.

Further, applicants respectfully submit Nakamura does not disclose the further operation of “transmitting a code switching complete message to notice a completion of the switching to a base station controller”, as now required in amended independent claims 4 and 6.

In such ways, the claims as currently written distinguish over the teachings in Nakamura.

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<sup>1</sup> See for example Figure 25 of Nakamura.

<sup>2</sup> See for example Nakamura at column 8, lines 14-16 and column 16, lines 31-46.

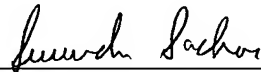
Moreover, no teachings in the secondary reference to Adachi were cited with respect to such features, nor are such teachings in the secondary reference to Adachi believed to overcome the above-noted deficiencies in Nakamura.

In view of these foregoing comments, the claims as currently written are believed to distinguish over the combination of teachings of Nakamura in view of Adachi.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

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